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Letter dated 28 December 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 18 December 2000 from Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus (TRNC), addressed to you (see annex II), which has already been forwarded to you through a letter by His Excellency Mr. Aytuğ Plümer, Permanent Representative of TRNC in New York (see annex I).

The Government of Turkey fully concurs with the views expressed in the letter of President Denktaş. Indeed the deployment, stationing and functioning of the United Nations Peacekeeping Force in Cyprus (UNFICYP) in the territory of the Turkish Republic of Northern Cyprus is subject to the approval and consent of TRNC, and the continuation of UNFICYP's operations can be possible only with the explicit cooperation of TRNC authorities, which the United Nations Security Council has neglected to obtain in the adoption of its resolution 1331 (2000). Allow me to underline that the approach that was taken in relation to this resolution, in terms of both substance and procedure, is contrary to the established and institutionalized practices of the United Nations. Neither TRNC's nor Turkey's consent was registered in the context of resolution 1331 (2000).

As for the contents of Security Council resolution 1331 (2000) itself, I would like to emphasize that it has several objectionable points. To highlight a few, the reference to the consent of the Government of Cyprus cannot be accepted, as it disregards the above-mentioned basic premise. The "agreement" of this so-called Government cannot be valid or binding for the other parties. I have recently explained, in detail, our views on this point in my letter of 21 December 2000 addressed to you. With reference to operative paragraph 4 of the resolution, I would like to recall that the Turkish forces' presence in the island directly stems from the 1960 Treaty of Guarantee and Alliance. Furthermore, it is important to underline that the measures in question have been put into effect by a decision of the Government of TRNC.

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I would be grateful if the text of the present letter and its annexes could be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

Annex I to the letter dated 28 December 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith the letter dated 18 December 2000 addressed to you by Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus (see annex II), concerning resolution 1331 (2000) adopted by the United Nations Security Council on 13 December 2000, extending the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) for a further period of six months.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Annex II to the letter dated 28 December 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to resolution 1331 (2000) adopted by the United Nations Security Council on 13 December 2000, extending the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) for a further period of six months, and to bring to your kind attention the views of the Turkish Cypriot party in this regard.

The said resolution, in addition to the unacceptable elements it contains, refers to the so-called Government of Cyprus, and states that the mandate of UNFICYP has been extended with the agreement of this so-called Government. There is no mention, however, of the consent of the Turkish Cypriot party.

This approach reflects neither the realities nor the legal position in Cyprus. Ever since the forcible expulsion of the Turkish Cypriot co-founder partner from the legitimate bi-national government of the 1960 partnership republic, there has been no constitutional government representing both peoples of the island. The Turkish Cypriot partner did not accept this attempted takeover of the bi-national State by the Greek Cypriot side and, through its national resistance, prevented the Greek Cypriot side from extending its authority over the Turkish Cypriot people. Hence, since December 1963, there has not been a joint central administration in the island, capable of representing the whole of Cyprus, either legally or factually. The Greek Cypriot administration of Southern Cyprus, which usurped the title of the Government of Cyprus, does not and could not have the right and authority to speak or act on behalf of the Turkish Republic of Northern Cyprus, or Cyprus as a whole. Therefore, the "agreement" of this so-called Government can, in no way, be valid or binding.

The deployment, stationing and functioning of UNFICYP in the territory of the Turkish Republic of Northern Cyprus (TRNC) is subject to the approval and consent of the TRNC authorities, and the continuation of UNFICYP's operations in an effective manner can be possible only with the cooperation of our authorities and on the basis of a properly authorized framework. Hitherto, the Turkish Republic of Northern Cyprus has given permission to UNFICYP's operations within the framework of its laws, rules and regulations and, at the same time, has continuously stressed the necessity of concluding an agreement in order to put its relations with UNFICYP on a sound basis.

The United Nations has not only refused to do this, but, during the adoption of the previous resolution, namely, resolution 1303 (2000) of 14 June 2000, also refrained from issuing an addendum to the Secretary-General's relevant report, and neglected to obtain the consent of the Turkish Cypriot party. Repetition of this approach in the adoption of the latest resolution, namely, resolution 1331 (2000), is an approach contrary to the established and institutionalized practices of the United Nations. This may also result in leaving the operations of UNFICYP within TRNC territory in a legal vacuum, and constitutes an ominous development, setting a dangerous precedent for other United Nations peacekeeping operations around the world.

The call made in operative paragraph 4 of resolution 1331 (2000) totally ignores the above background and its wider implications, and does not even

correspond to the reality. I wish to point out that it is not the "Turkish forces" that are responsible either for the measures we have taken in connection with UNFICYP's operations in Northern Cyprus, or for the situation at Akyar (Strovilia), which are part of these measures. The measures in question have been put into effect by a decision of the TRNC Government, which is the sole authority responsible for political decision-making in the Republic.

The inference, in the same paragraph, that the checkpoint in question changes "the military status quo" is based on incorrect information. I wish to stress that since the area in question is not within the British Sovereign Base Area (this fact has been confirmed both by British Sovereign Base Area as well as UNFICYP authorities) and since there is no buffer zone in the area, the checkpoint is within the TRNC territory. There is, therefore, no question of changing the status quo.

We appreciate the sensitivity shown towards the humanitarian issue of missing persons in Cyprus, in the first preambular paragraph of resolution 1331 (2000), although there is no mention of the fact that it is the Greek Cypriot side that is keeping this issue alive for political purposes. However, another humanitarian issue of major importance, namely, the embargoes imposed on the Turkish Cypriot people by the Greek Cypriot administration, aimed at bringing about the economic, social and political collapse of the TRNC, is unfortunately ignored. These embargoes extend to all spheres of life, including diplomatic, commercial, sporting and cultural activities as well as travel and communication. The inhuman and archaic embargoes imposed on the Turkish Republic of Northern Cyprus are in blatant violation of the spirit of the Charter of the United Nations and in total contravention of the relevant international human rights instruments.

In closing, I wish to underline that this resolution not only contradicts the principle of the political equality of the two parties, which has also been accepted by the United Nations, but also is contrary to the political, legal and practical realities prevailing in Cyprus. I regret to note that this resolution has not facilitated your efforts for reconciliation, nor has it made the task of UNFICYP any easier.

I should be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Rauf R. **Denktaş**
President